



Docket No.: 251967US2



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/825,317
Applicants: Masanori KOBAYASHI, et al.
Filing Date: April 16, 2004
For: METHOD AND APPARATUS FOR DISPLAYING
THREE-DIMENSIONAL STEREO IMAGE USING
LIGHT DEFLECTOR
Group Art Unit: 2872
Examiner: Audrey Y. Chang

SIR:

Attached hereto for filing are the following papers:

Provisional Election of Species

Our check in the amount of \$**0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 251967US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MASANORI KOBAYASHI, ET AL. : EXAMINER: AUDREY Y. CHANG
SERIAL NO: 10/825,317 :
FILED: APRIL 16, 2004 : GROUP ART UNIT: 2872
FOR: METHOD AND APPARATUS FOR :
DISPLAYING THREE-DIMENSIONAL
STEREO IMAGE USING LIGHT
DEFLECTOR

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated July 1, 2005, Applicant provisionally elects with traverse Species J, identified in the Office Action as corresponding to Fig. 18, and corresponding to Claims 11-16, 18, 24, and 25, for further examination on the merits. Applicant reserves the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Office Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-

classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicant respectfully traverses the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicant to prosecute and maintain separate applications.

Further, Applicant respectfully submits that Species G, K, L, M, N, and O are all related to Species J and should be examined together with Species J. In particular, Applicant respectfully submits that the subject matter of Claims 11-16, 18, 24, and 25 encompasses that of Claims 17, 19, 20-23, 26, and 27, which correspond to Species G, K, L, M, N, and O.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn and that a full examination on the merits of Claims 1-25 be conducted. At the very least, it is respectfully submitted that Claims 11-27 be fully examined on the merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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